

# EXHIBIT H

Volume III  
Pages 1-64

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 03-12551-NG

FRANK SACO, :  
Plaintiff, :  
 :  
vs. :  
 :  
TUG TUCANA and :  
TUG TUCANA CORPORATION, :  
Defendants. :

CONTINUED DEPOSITION of FRANK SACO, taken on behalf of the Defendants, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Barbara M. Montijo, a Registered Professional Reporter and Notary Public within and for the Commonwealth of Massachusetts, at the offices of Clinton & Muzka, P.C., One Washington Mall, Boston, Massachusetts, on October 30, 2006, commencing at 2:00 p.m.

DUNN & GOUDREAU  
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One State Street  
Boston, MA 02109  
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ORIGINAL

1           that correct?

2       A.     Correct.

3       Q.     Do you still own the CAPTAIN YAK?

4       A.     I'm leasing it right now. I still own it.

5       Q.     Who are you leasing it to, Frank?

6       A.     Frank Miles.

7       Q.     What is Mr. Miles using the boat for?

8       A.     Lobstering.

9       Q.     Where is he located?

10      A.     He lives in Danvers. He fishes out of  
11           Manchester.

12      Q.     How long have you known Mr. Miles?

13      A.     Oh, 15 years, 20. 15 to 20.

14      Q.     Did he own his own boat before leasing yours?

15      A.     Yes, he did.

16      Q.     What happened to his boat?

17      A.     Pretty much -- it's 60 years old. Pretty much  
18           just chopped it up for junk.

19      Q.     What was the name of his boat, do you know?

20      A.     CANDACE E.

21      Q.     Spell it for me?

22      A.     C-A-N-D-A-C-E E.

23      Q.     How much does Mr. Miles pay you on a monthly  
24           basis?

1 A. Half the year he pays 300, the other half of the  
2 year he pays 600; and that amount comes off the  
3 purchase price when he buys it.

4 Q. So, he's leasing to own the boat?

5 A. Yes.

6 Q. What was the purchase price?

7 A. 40,000.

8 Q. When did you make this arrangement with  
9 Mr. Miles, in April or May of this year?

10 A. Yes.

11 Q. When you say he pays 300 a month one-half of the  
12 year and 600 a month the other half of the year,  
13 which month does that correspond with?

14 A. I gave him a break doing it that way. The 600 a  
15 month he pays during the good lobstering season  
16 and 300 during the off season, which would be  
17 January to June, and then June through December  
18 600.

19 Q. So, January to June is the slow time?

20 A. Correct.

21 Q. And July to December is the peak time?

22 A. Better, yeah. He has a full-time job, so he  
23 does both.

24 Q. Do you lease any equipment to him?

1 A. No.

2 Q. So, he outfitted the vessel himself?

3 A. Yes. He had his own gear.

4 Q. Do you still own your gear?

5 A. I have no gear.

6 Q. Did you sell your gear?

7 A. No. The ocean took it. When I broke my foot,  
8 my gear got destroyed.

9 Q. So, your pots were in then?

10 A. Yes.

11 Q. Is the lease arrangement with Mr. Miles in a  
12 document?

13 A. Between him and I. He's actually my  
14 stepdaughter's husband. So, we're pretty close.

15 Q. Your stepdaughter's husband?

16 A. Correct.

17 Q. What's your stepdaughter's name?

18 A. Candace.

19 Q. How old is Candace?

20 A. Oh, she would be 36.

21 Q. Do you have any other stepdaughters?

22 A. No.

23 Q. So, your four daughters and Candace?

24 A. Correct.

1 Q. And your four daughters are from your first  
2 marriage?

3 A. First marriage.

4 Q. And Candace is from?

5 A. Second marriage.

6 Q. And they live in Danvers, correct?

7 A. Yes.

8 Q. What does Candace do for a living?

9 A. She's like a home health aide worker, private.

10 Q. Is her last name Miles as well?

11 A. Yes.

12 Q. If you know, how much has Frank paid on the  
13 lease?

14 A. Total? He gave me a down payment. He gave me  
15 2,500 and then he gave me May, 3; June, 3; July,  
16 6; August, 6; September, 6.

17 Q. So, he gave you 2,500 up-front and he's made his  
18 monthly payments since that time?

19 A. He's made two \$300 payments and three \$600  
20 payments.

21 MR. KEANE: 4,9.

22 Q. So, about \$4,900?

23 A. Approximately.

24 Q. So, you still have a ways to go on the purchase